

Attorney Docket No.: DC-0156
Inventors: DeLeo and Weinstein
Serial No.: 09/857,385
Filing Date: July 6, 2001
Page 4

REMARKS

Claim 1 is pending in this application. Claim 1 has been rejected. Claim 1 has been amended. No new matter has been added by this amendment. Reconsideration is respectfully requested in light of the following remarks.

I. Rejection of Claims Under 35 U.S.C. §102

Claim 1 has been rejected under 35 U.S.C. 102(a) as being anticipated by Chamberlain et al. ((1998) *Arch. Neurol.* 55:506-512). The Examiner suggests that this reference teaches administration of methotrexate to patients with leptomeningeal metastases presenting with radiculopathy, wherein the dose of methotrexate administered intraventricularly is 2 mg daily (total dose of 40 mg). It is suggested that because Chamberlain et al. teach the same composition of methotrexate in the same dose (less than 3 mg/kg) to be useful in the treatment of leptomeningeal metastases with radiculopathy, that methotrexate would inherently be treating the radiculopathy, whether explicitly recognized or not.

In an earnest effort to highlight the salient features of the instant invention, Applicants have amended claim 1 to recite that the methotrexate is administered locally to the back of the animal being treated. Support for this amendment can be found in the specification at pages 5 to 7 which teach that the local administration of methotrexate can reduce back pain with radiculopathy. As Chamberlain et al. teach intraventricular administration of methotrexate, this reference does not teach each and every claim limitation and therefore does not anticipate

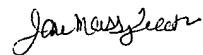
Attorney Docket No.: DC-0156
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Page 5

the instant invention. Therefore, it is respectfully requested that this rejection be withdrawn.

II. Conclusion

The Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



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